

## **REMARKS**

Applicants reply to the Office Action dated October 21, 2008, within the three (3) month shortened statutory period for reply. Claims 1-5 were pending in the application and the Examiner rejects claims 1 and 3. The Examiner also objects to claims 2 and 4-12, and rejoins dependent claims 6-12 for consideration. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Reconsideration of this application is respectfully requested.

Applicants thank the Examiner for the indication of allowable subject matter in claims 2 and 4-12, and for rejoining dependent claims 6-12 for consideration.

The Examiner rejects claims 1 and 3 for being anticipated under 35 USC 102(b) by Ikebe, et al, US Patent No. 4,991,048 ("Ikebe"). Applicants respectfully disagree with this rejection, but to expedite prosecution, Applicants amend the claims similar to the suggestions provided by the Examiner. In particular, Applicants amend independent claims 1 and 3 to recite an exemplary technical effect of the engagement arrangement between the plate member and the shutter member, which includes BOTH the embodiments of when the plate member comprises rotary shafts and the base member comprises bearings, and vice versa. Furthermore, as the newly incorporated subject matter in the amended independent claims are similar to claim 4, which is considered generic, under the election requirement, all claims can be considered.

In particular, the proposed amendment characterizes claims 1 and 3 in that

"one of the base member and the plate members includes rotary shafts and the other one comprises bearing sections, whereby said base member and plate member are removably and rotatably engaged with each other by inserting said rotary shafts in said bearing sections".

Support for this amendment can be found on, for example, page 20 lines 26-33 and also page 21 lines 24-30 of the original specification, for the shutter and the cartridge, respectively.

The cited reference Ikebe does not disclose or contemplate the feature of a base member rotatably engaged to plate members to improve the slidability of the shutter member. Ikebe is limited to a shutter member formed using shutter plates that are inwardly stepped so as to engage with the slider 26 (col. 4, lines 42-43 of Ikebe).

Accordingly, the aforementioned technical feature of the presently claimed invention facilitates the promotion of a high degree of parallelism between the surface formed by the window section and the window coverage section (page 25, lines 6-9 of the present specification). In particular, by virtue of the above-mentioned feature, the distance between the window coverage section and a sliding surface of the case member is maintained as a constant throughout the entire surface of the plate member (page 31, lines 5-14 of the present specification).

Consequently, in view of the aforementioned engagement mechanism of the plate member and base member, the favorable sliding relationship between the shutter member and the case member can be maintained, even when the distance between the window coverage section and the sliding surface approaches zero (page 31, lines 9-14 of the present specification). Advantageously, the shutter member of the presently claimed invention can be designed closer to the case member while still providing no resistance against the sliding motion of the plate member and in addition, the risk of foreign materials entering through the window section can be significantly reduced under such a configuration (page 31, lines 11-14 of the present specification).

As the shutter member is fitted onto the cartridge in a separate step, and distortions caused to the shutter member by either the formation of the shutter or remaining steps of the manufacturing process may result in a less than optimal performance of the disk cartridge. The claimed invention is further advantageous in that the shutter can be attached, and then subsequently, the proper alignment angle of the plate member can be rotatably calibrated to the optimum position (page 22, lines 27-33 of the present specification). Furthermore, combined with the fact that the removable plate members can be molded individually (as they are removable and easily attached) to have an extremely high planarity (page 22, lines 16-30 of the present specification), this configuration significantly improves the slidability of the shutter member and also the yield of the manufacturing process, which leads to reduced cost (page 23, lines 9-11 of the present specification).

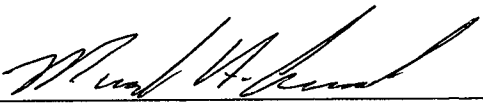
Dependent claims 2 and 4-12 depend from independent claims 1 and 3, so Applicants assert that dependent claims 2 and 4-12 are allowable for the same reasons as set forth above, in addition to their own unique features.

Therefore, we respectfully submit that the novelty rejection to amended claims 1 and 3 and their subsequent dependent claims be withdrawn.

In view of the above remarks and amendments, Applicants respectfully submit that all pending claims properly set forth that which Applicants regard as their invention and are allowable over the cited references. Accordingly, Applicants respectfully request allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject application. The Commissioner is authorized to charge any fees due to Deposit Account No. 19-2814 including extension of time fees, if needed.

Respectfully submitted,

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